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Piedmont, California 94611
August 9, 2010

Piedmont City Clerk
120 Vista Avenue
Piedmont, CA 94611

To Whom It May Concern:

I am submitting the following comments with the expectation they will be addressed in the final EIR of the Moraga Canyon Sports Complex.

1. The draft EIR fails to make clear how the Americans with Disabilities Act requirements for access will be met for the proposed Blair Park facilities. Coaches' Field has been designed such that any person, regardless of mode of mobility, can access the facilities via the ADA compliant (at time of construction) sidewalk that extends to the flat intersection at Highland and Moraga. The current plan, however, is ambiguous as to how a person using, for example, a wheelchair will access Blair Park from Coaches' Field. The many unresolved ADA issues in this EIR include, for example, the design the pedestrian ramp on the south side of Moraga Avenue. This ramp has numerous switchbacks that have very sharp turns. The individual grades of each segment of the switchbacks may meet handicap access requirements, but the entire path of travel may not.

As I understand ADA, the City must extend access from Coaches to Blair. These projects, as the City acknowledges by virtue of a single EIR, comprise one facility. Failing to plan for Coaches' to Blair access is essentially the same as providing access to the City Council Chambers at the front of City Hall but not to the public service counter at the rear. Will crossing in a wheelchair from Coaches' to Blair with the limited sight lines and steep grade on Moraga comply with ADA? If not, how does the City propose to comply?

2. The draft EIR reports that intersections on Moraga Avenue would function at Level of Service F when organized sports groups use the complex. The final EIR should disclose that LOS F means that vehicle trips that would otherwise use Moraga Avenue will be deflected to alternative routes through Piedmont and Oakland neighborhoods. These routes should be identified in the final EIR. Residents along these alternative routes should, moreover, be informed, before the EIR is certified, of the safety risks as well as noise and pollution effects attributable to these added trips.
3. Despite requests at the EIR scoping session that the Alameda County Vector Control District be asked to describe the vectors, and associated pathogens, that construction of the proposed project would drive into surrounding neighborhoods, no such information was provided in the draft EIR. The draft makes the wholly unsubstantiated claim that starting construction at the site

perimeter will mitigate vector exposures. The final EIR should include a description, prepared by the Vector Control District, of possible exposures and attendant health risks as well as an assessment of how such risks could be eliminated.

4. The Draft EIR cites multiple circumstances in which the proposed project would violate general plan policies. The authors, therefore, conclude, on page 363 –

It is anticipated that other planned projects within the City would be generally consistent with the City's General Plan; however, the potential for additional policy conflicts combined with the identified policy conflicts associated with the proposed project would result in a significant and unavoidable cumulative contribution to policy inconsistency in the City. This policy inconsistency could cause the City to deviate from certain of the overarching goals and policies in the General Plan, many of which were adopted for the purpose of protecting the environment...

There can be no more clear statement of the project's inconsistency with the General Plan. The draft EIR, however, does not carry this point to its conclusion. This circumstance implies that the Council could not approve the project without first taking either of two actions. First, the City would have to amend the General Plan to remove all the policies violated by the proposed project. This, of course, would leave the citizens of Piedmont without the protection afforded them by the General Plan. Second, the City could adopt a resolution of overriding considerations thereby ignoring general plan inconsistencies in the case of this project. This, of course, would amount to "spot general planning" – a practice almost certainly illegal under California law. Such a finding would, moreover, imply that the Moraga neighborhood is not entitled to the same general plan protections enjoyed by the remainder of Piedmont. Although an EIR should not give legal advice, it should inform you that its findings imply either rejecting the project or amending the General Plan and all that entails.

Page 67, Required Approvals Table, lists municipal code amendment but not General Plan amendment, as needed in order to approve the project. The General Plan must be amended in order to approve the project and this must be included in the EIR. In addition, the Planning Commission must make a finding of conformity to the General Plan under Government Code Section 65402.

Further evidence of the need to amend the General Plan comes from the following statements in the EIR:

However, in some instances general plans contain fundamental, mandatory, and objective standards that do not allow any discretion in

interpretation and application. A project will be found inconsistent with such a standard if it is clearly incompatible with it. (Page 71)

Although some of the environmental impacts resulting from these policy inconsistencies would be reduced to a less than significant level with implementation of the mitigation measures recommended in this EIR, the total combined effect of the various potential policy inconsistencies would be significant. Policy inconsistencies could also cause the City to deviate from certain of the overarching goals and policies in the General Plan. Therefore, this impact is considered significant and unavoidable. (Page 80)

5. The draft EIR remains vague as the public purpose served by the proposed project. Is the City's intent to increase the number of participants in organized sports? If so, how many more? Or is it to provide more games for the current number of participants? If so, how many more games and tournaments? Or is it to provide more practice time for the current number of participants? If so, how many more hours of practice? These estimates must be available before the consultants can assess traffic effects and the attendant impacts on air quality, noise, and safety.
6. LSA representatives stated at the second hearing on the draft EIR that the environmental effects of scheduled, organized activities were assessed but that the effects of non-scheduled use were not assessed. The final EIR should, therefore, make clear that the only decision it could logically if not legally inform would be whether to approve the indefinite use of public land and other public resources by private sports groups. A decision to make the facilities available to others would require expansion and recirculation of the current draft EIR.
7. Access to Blair Park is unclear in the EIR. When will the fields be locked and by whom? Can the City legally turn over access to a public park to a private group? How will the City handle adult and "pick up" games that are not part of the organized sports group? If a private group is in charge of locking the facility, what happens if they do not properly secure the facility? Who is liable?
8. Despite staff reports (see the September 8, 2009 staff report to Council) alluding to the need to identify field capacity outside of Piedmont, the draft EIR states that only alternatives in Piedmont were considered. The final EIR should make clear who made that policy decision and when it was made.
9. The EIR's analysis of alternatives should include documentation of official requests from the City of Piedmont to the City of Alameda, the Cemetery District, Merritt College, and City of Berkeley (or the operator of the Gilman Field facilities) to provide estimates of the availability and costs of field time

for organized sports groups. The final should also include the written responses from those agencies. Hearsay from interested parties should not be allowed to substitute for documentation of official requests and responses.

10. The draft EIR remains vague on whether the project as assessed included the pedestrian overpass. While the report alludes to dangers inherent in such overpasses, it provides no information on the source or extent of those dangers. The attached document, which was provided the consultants at the scoping session, describes the research reporting the dangers of such overpasses. The final EIR should either explicitly accept this research or provide reasons for not doing so.

11. Page 67 of the draft EIR states:

The City's Public Works Department would address maintenance responsibilities for the sports fields and the Recreation Department will handle scheduling and operation. Additional maintenance responsibilities that would be generated by the implementation of the project include synthetic turf maintenance for both Blair Park and Coaches Field, and trash pickup, landscaping maintenance, and restroom and parking lot maintenance for the Blair Park site. The City currently anticipates that any expenses created for these additional staff responsibilities would be funded through the City's general fund, user fees, or a combination of both.

It is possible that other General Fund activities will have to be eliminated in order to fund these projects. These changes could have environmental effects. This possibility needs to be discussed in the EIR.

The EIR should also include the current cost of maintenance and operation of Coaches Field and how much of this cost is currently covered by user fees.

12. Page 237 of the draft EIR states:

The historic traffic count data, reflecting a decline in daily traffic, conflicts with the ACCMA growth forecasts, which indicate a yearly growth rate on Moraga Avenue of approximately 1.08 percent. To account for the differing sets of data, and to more accurately reflect the actual potential growth rate of traffic along Moraga Avenue, the two data sets were interpolated. To reflect the difference between the historic decline in traffic and the 1.08 percent per year growth rate reflected in the ACCMA model data, the ACCMA yearly growth of 1.08 percent per year was reduced by half and applied to the five year period from existing conditions (2010) to the estimated project opening year of 2015. Therefore, a total growth factor of 3 percent was applied to the existing baseline traffic volumes to reflect the potential growth in traffic between 2010 and 2015.

This statement directly contradicts the General Plan Transportation Element that states:

Although this General Plan anticipates no significant development or land use change within Piedmont, local traffic is still likely to increase during the next 10 to 20 years. Virtually all of the increase will be associated with “pass-through” traffic from growth elsewhere in the East Bay, including Oakland. Also, as the region’s freeways become more congested, drivers are more likely to divert onto local streets. (Page 4-10)

The CMA’s projections include Interstate 580, Highway 13, and Highway 24, the three freeways which provide access to Piedmont. Their model projects that volumes on I-580 in the vicinity of Oakland Avenue and Harrison Street will increase by about 10 percent between 2005 and 2030. Peak hour volumes on Highway 13 in the vicinity of Moraga Avenue are projected to increase by about 20 percent, and peak hour volumes on Highway 24 approaching the Caldecott Tunnel are projected to increase by 35 percent. The peak commute period is also likely to last longer, as drivers leave earlier and later to avoid congestion.

*Increased volumes on the freeways will affect thoroughfares in Piedmont, particularly Grand Avenue, Oakland Avenue, and Moraga Avenue. These arterials will be further impacted by development in the city of Oakland, where more than 46,000 new households and 73,000 new jobs are expected between 2005 and 2030. The CMA model indicates that average daily traffic volumes on the Grand Avenue corridor through Piedmont may increase by as much as 30 percent between 2005 and 2030. Volumes on Oakland Avenue are projected to increase by 15 percent and **volumes on Moraga Avenue are projected to increase by 18 percent.** (emphasis added)*

Even more significant increases are projected for the AM and PM peak hours. In fact, the model projects that evening rush hour commute traffic on Grand Avenue could double between 2005 and 2030. More moderate increases (10-15%) are projected for Moraga and Oakland Avenues. The increased volumes on Grand Avenue could result in more traffic diverting onto local streets in Piedmont, creating the need for new traffic control measures. (Page 4-11)

The draft EIR analysis errs in projecting only internal Piedmont growth. The General Plan Transportation Element clearly states that traffic along Moraga Avenue will be impacted by regional growth: One purpose of including traffic growth projections in the General Plan Transportation Element is to provide information that can be used in evaluating future projects.

Policy 8.8, moreover, states:

Work collaboratively with the City of Oakland to address projected 25-year increases in congestion on Grand, Moraga, and Oakland Avenues, and to coordinate any planned improvements or changes to these streets.

This is clear directive that regional growth be considered in evaluating traffic along Moraga Avenue. The draft EIR reports no collaboration with the City of Oakland. The final EIR either should follow from such collaboration, and be recirculated for comment, or note that the project conflicts with the General Plan.

13. Policy 7.5 of the Transportation Element states:

Consider pedestrian access, bicycle access, and public transit access when making investment decisions about future parks, schools, and other public facilities. Also, ensure that new public facilities and commercial uses are designed to include features that encourage walking, bicycling, and transit.

The EIR should include notification that the project as proposed conflicts with this policy.

The General Plan, moreover, states on page 4-20 that “*blind curves and fast moving cars may create hazards to bicyclists.*” The EIR should note this general plan assessment and acknowledge the hazard applies to Moraga Canyon.

14. Page 336 of the draft EIR states:

The proposed project would result in a slight increase in the demand for police services due to the increased use and development at the project sites. According to the Police Department Captain, the primary law enforcement concern for the project area is automobile burglary, which is common in residential areas of the City. However, there are few occurrences of theft in the project vicinity due to the relative seclusion of the area. As described above, the primary incidences of criminal activity that has been reported within the project area and along Moraga Avenue are related to motor vehicle theft, burglary/breaking and entering, larceny/theft, and vandalism.

The assessment of the Police Department is based on current circumstances in Moraga Canyon. The development of the new facilities with an elevator and pedestrian bridge will drastically change this area. All pedestrian bridges are subject to vandalism and isolated pedestrian bridges with blind

elevators can result in increased police calls related to muggings, etc. The Police Department does not have experience with this type of elevator/bridge. The EIR should obtain information from other cities that have public elevators and pedestrian bridges regarding crime and vandalism.

15. Page 353 of the EIR states: *“One field, as opposed to two, could potentially reduce pedestrian safety impacts if less foot traffic is generated.”* The final EIR must make clear that reducing the number of pedestrians crossing Moraga Canyon does not reduce the risk of injury to a pedestrian. It simply reduces the expected number of injured pedestrians crossing Moraga Canyon.
16. The 1986 environmental review, also prepared by LSA, for the grass field master plan stated (page 43) that any facility on the south side of the Canyon, even an overflow parking lot, would create a “significant unavoidable” risk of injury. The final EIR should address the contradiction between the two documents.
17. What will be the impact of constructing a sports facility in Blair Park on the City’s insurance? Some insurance agencies will not insure facilities that are considered unsafe. In this instance, any field on the south side of Moraga Avenue may create an unsafe environment for pedestrians, particularly children.
18. The integrity of the final EIR will inevitably suffer if LSA and City staff do not disclose the involvement of ELS architects in the preparation of the report. ELS Architects and its employees have listed themselves among those who have lobbied the City Council for the construction of these projects. The City subsequently chose ELS to design the project now being assessed. A reasonable citizen could, therefore, wonder if groups with much to gain from the design and approval of these projects have had access to, and influence on, the draft EIR. I have asked by the City and LSA to disclose the role, if any, of ELS and its employees in the preparation of the draft EIR. No response has been forthcoming. I believe the final EIR should include, and that the citizens of Piedmont deserve, such a disclosure.

Thank you,



Ralph Catalano

To: LSA and the Piedmont City Council
From: Ralph Catalano, Ph D,
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On behalf of Friends of Moraga Canyon

Date: December 8, 2009

Re: Health and Safety risks that should be studied as part of the Moraga Canyon Sports Complex CEQA process

The Initial Study prepared for the proposed Moraga Canyon Sports Complex failed to explicitly note several potential health and safety risks among impacts LSA will study under the CEQA process. I am listing these below in the expectation that the Draft EIR will address them.

- I. The design does not show a street-level barrier that would encourage use of the proposed pedestrian overpass and preclude pedestrians and bicyclists from “dashing” across Moraga Avenue between the vehicular entrances to Couches Field and the proposed Blair Park Sports Complex.

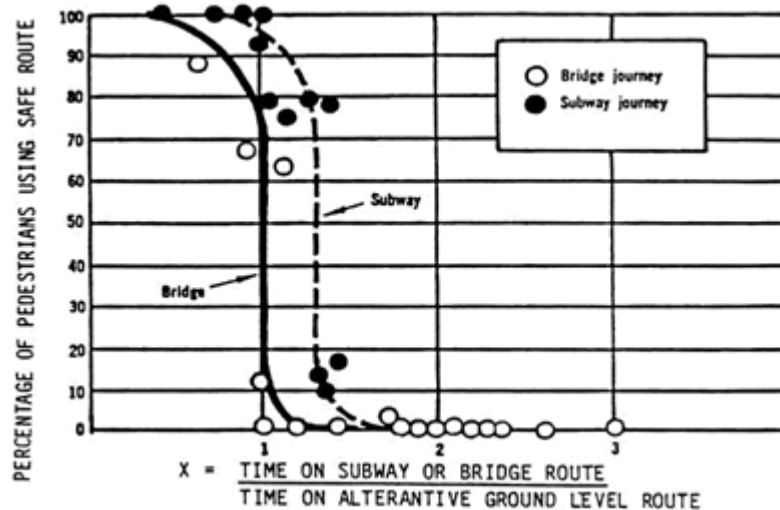
Empirical observation (e.g., Moore, 1953; Rasanen et al., 2007) and behavioral modeling (e.g., Ishaque, 2008; de Lavalette et al., 2009) over the last 50 years reports that pedestrians and bicyclists travel the path of least impedance. Pedestrian overpasses, such as that proposed for this project, rarely offer such paths and counter-intuitively cause injuries and death by giving drivers a false sense of clear road and by inducing pedestrians and bicyclists to “dash” across the right of way (Rasanen et al., 2007). The literature reports a nonlinear relationship between the length of time needed to use the overpass and the likelihood of dashing (Moore and Older, 1965). Dashing becomes common when using the overpass takes 50% more time to cross the right of way than does dashing (e.g., Moore, 1953; Moore and older, 1965).

The Federal Highway Administration summarizes the problem this way (Campbell et al., 2003; p. 96):

A 1965 study by Moore and Older found that use depended on walking distances and convenience of the facility. A convenience measure (R) was defined by the authors as the ratio of the time to cross the street on an overpass divided by the time to cross at street level...The study found that approximately 95 percent of pedestrians will use an overpass if the walking time in using the overpass is the same as crossing at street level (i.e., R = 1). However, if crossing the overpass takes 50 percent longer than crossing at street level (R = 1.5),

almost no one will use the overpass. Usage of pedestrian underpasses (subway) was not as high as overpasses for similar values of R.

Moore and Older's (1965) table of results follows.



The proposed design will make dashing likely because the ratio of crossing time by overpass to crossing time by dashing will greatly exceed 1.5. Dashing at the proposed site will be particularly dangerous because the most likely, but not only, dash route falls on a blind curve where drivers regularly exceed safe speeds. Indeed, City of Piedmont Police report 7 single or multiple vehicle crashes on Moraga Avenue between Highland and Harbord in the last 8 months alone. The fact that a Piedmont Police car (i.e., Car 064 on October 13, 2009) struck a fixed object during daylight hours at the location of the proposed Blair Park Complex demonstrates the risk of accidents posed by Moraga Canyon.

The traffic safety literature recommends against pedestrian overpasses unless dashing can be precluded by a barrier at street level extending at least 100 meters in either direction from the overpass (Campbell et al., 2003). The Federal Highway Administration (2008), for example, includes the following in guidelines for projects it funds.

The Americans with Disabilities Act (ADA) law of 1990 has... required the barriers to wheelchair users to be removed, requiring more gentle slopes. While these gentle slopes make it easier for bicyclists and other users, it has also greatly increased the length of ramps, which may discourage usage. Methods such as carefully planned fencing have been used to channel pedestrians to the overpasses and underpasses to increase usage.

Grade separations such as overpasses and underpasses for pedestrian crossing can be beneficial under certain circumstances if the pedestrian can be persuaded to use the grade-separated crossing (i.e., perceive it as safer, convenient). However, they are very costly and may not be used by pedestrians if not planned properly.

Such a barrier in the Blair Park Sports Complex would, however, preclude left hand turns into either the Coaches Field or Blair Park facilities making traffic flow on game and practice days chaotic at best.

- II. The Initial Study fails to note that the proposed project will likely increase the risk of pedestrian injury and death along residential streets that motorists will use as alternatives to Moraga Avenue during game and practice times. The substantial increase in traffic impedence along Moraga Avenue will force motorists to seek alternative routes to reach, for example, Route 13 and the Montclair commercial district. This diversion will increase traffic on streets now regularly used by pedestrians and bicyclists. Indeed, the diversion will be greatest at times (i.e., after school and weekend daylight hours) when children most likely use local streets.
- III. The Initial Study does not identify the potential health risks to children and neighbors posed by the 3 synthetic field surfaces called for in the proposed plan. These risks recently caused the School Board to reconsider the materials it will use to surface the 2 new soccer fields planned for the Havens School site.
- IV. The initial study fails to note risks of infectious disease posed to all neighborhoods surrounding the proposed project by the disruption of disease vectors during construction. The Coaches Field and Blair Park sites harbor large and small animals known to be infected by organisms that pose significant health risks to humans. The enormous earth movement, destruction of vegetation, and pounding of “soil nails,” required by the proposed projects will not only drive these animals from their natural habitat into Piedmont and Oakland neighborhoods, but will also severely stress them. Latent, endemic infection becomes epidemic in animal populations when stressed by habitat destruction. The Alameda County Vector Control District regularly reports that the several species of deer, rats, mice, raccoons, opossums, ground squirrels, skunks, and fox in this area can exhibit latent infections with common and rare organisms dangerous to humans. Common organisms include those that cause salmonella related illness and Lyme’s disease. Rarer reports include those of arenavirus, bubonic plague, hantavirus, rabies, and tularemia in Alameda County. In its last two Annual Reports, the Alameda County Vector Control District also notes finding Ljungan Virus in local rodents. Human infection, caused by exposure to stressed rodents, with this virus has been associated with fetal death (Samsioe et al., 2009), inflammation of the heart muscle, and type 1 diabetes. The 2007 Report of the Alameda County Vector Control District notes (page 9):

...the District is continuing to trap Norway and roof rats, and are submitting their organs (heart, brain, and pancreas) to Dr. Bo Niklasson at the University of Uppsala in Sweden to test for a novel Picorna virus (Ljungan virus) as a possible causal agent for insulin-dependent-diabetes mellitus, myocarditis, and Guillain-Barre syndrome in humans. In 2006, 7 of 13 commensal rodents tested from Alameda County had high virus titers.

The fact that so much vegetation and so many trees will be destroyed also raises the question of whether Moraga Canyon residents will be exposed to higher than usual risk of venomous arthropod, yellow jacket, and wasp stings (Alameda County Vector Control District, 2007; page 13). .

While neither the Alameda County Department of Public Health, nor The Alameda County Vector Control District, contributed to the Initial Study, they should both participate in the preparation of the EIR. Indeed, animal capture/recapture routines should be in place now at the proposed construction sites to estimate the population of vectors and to identify the types and frequency of infection they harbor. Without such information, the City Council will only be guessing about the risk that proceeding with the project would inflict on residents in and near the Canyon and probably beyond.

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